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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,438	12/05/2001	Neil Y. Iwamoto	36.P325	6310

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EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/017,438	Applicant(s) IWAMOTO ET AL.	
	Examiner Thong H Vu	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/02</u> . | 6) <input type="checkbox"/> Other: _____ |

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,5-7,9-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by HE et al [HE 6,088,451].

4. As per claim 1, HE discloses A method for controlling access to a networked peripheral device by a walk-up user, wherein the networked peripheral device is accessible by both the walk-up user and a remote user based on centralized access management information [HE, the remote system, col 5 lines 5-20; authentication server, col 11 lines 53 et seq; centralized control, col 13 lines 20-30; col 17 lines 40-54] the method comprising:

Claims 1-16 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-18 of copending Application No. 10/309,884. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

(‘884)1. A method for controlling access to a networked peripheral device by a walk-up user, wherein the networked peripheral device is accessible by both the walk-up user and a remote user based on centralized access management information accessible by a server, the method comprising:

authenticating the walk-up user based on authentication information corresponding to the user;

determining, at the server, a first level of access to the networked peripheral device available to the walk-up user based on the access management information;

transmitting access management information for the walk-up user to the networked peripheral device a centralized location indicative of the determined first level of access;

determining, at the networked peripheral device, a second level of access to the networked peripheral device available to the walk-up user based on the received access management information; and

allowing the walk-up user to access to the networked peripheral device based on the first and second determined levels of access.

(Application) 1. A method for controlling access to a networked peripheral device by a walk-up user, wherein the networked peripheral device is accessible by both the walk-up user and a remote user based on centralized access management information, the method comprising:

receiving access management information for the walk-up user at the networked peripheral device from a centralized location;

determining, at the networked peripheral device, a level of access to the networked peripheral device that are available to the walk-up user based on the received access management information; and allowing the walk-up user to access the to the networked peripheral device based on the determined level of access.

Art Unit: 2142

1. Claims 1-16 are pending.

Claim Objections

2. Claims 13-14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 1-10. See MPEP § 608.01(n). Accordingly, the claims 13,14 have not been further treated on the merits.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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 authenticating the walk-up user based on authentication information corresponding to the user;
 determining, at the server, a first level of access to the networked peripheral device available to the walk-up user based on the access management information;
 transmitting access management information for the walk-up user to the networked peripheral device a centralized location indicative of the determined first level of access;
 determining, at the networked peripheral device, a second level of access to the networked peripheral device available to the walk-up user based on the received access management information; and
 allowing the walk-up user to access to the networked peripheral device based on the first and second determined levels of access.

(Application) 1. A method for controlling access to a networked peripheral device by a walk-up user, wherein the networked peripheral device is accessible by both the walk-up user and a remote user based on centralized access management information, the method comprising:
 receiving access management information for the walk-up user at the networked peripheral device from a centralized location;
 determining, at the networked peripheral device, a level of access to the networked peripheral device that are available to the walk-up user based on the received access management information; and allowing the walk-up user to access the to the networked peripheral device based on the determined level of access.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,5-7,9-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by HE et al [HE 6,088,451].

4. As per claim 1, HE discloses A method for controlling access to a networked peripheral device by a walk-up user, wherein the networked peripheral device is accessible by both the walk-up user and a remote user based on centralized access management information [HE, the remote system, col 5 lines 5-20; authentication server, col 11 lines 53 et seq; centralized control, col 13 lines 20-30; col 17 lines 40-54] the method comprising:

receiving access management information for the walk-up user at the networked peripheral device from a centralized location [HE, access management information, col 12 lines 34-55; col 33 lines 39-67];

determining, at the networked peripheral device, a level of access to the networked peripheral device that are available to the walk-up user based on the received access management information [HE, level access control from users, col 13 line 64-col14 line 85; col 16 lines 5-26;col 24 line 41 et seq];

allowing the walk-up user to access the to the networked peripheral device based on the determined level of access [HE, allow the access based on the rule, col 8 lines 1-20; 65-col 9-25].

5. As per claim 2, HE discloses the networked peripheral device is a multifunction peripheral device as inherent features of network devices.

6. As per claim 3, HE discloses the access management information is supplied by an authentication server once the authentication server authenticates the walk-up user based on authentication information received from the networked peripheral device [HE, allow the access based on the rule, col 8 lines 1-20; 65-col 9-25].

7. As per claim 5, HE discloses buttons on a keypad on the device are enabled and/or disabled according to the determined access level.

8. As per claim 6, HE discloses the access management information is supplied by an authentication server that authenticates both the walk-up user and the remote user [HE, the remote system, col 5 lines 5-20].

9. As per claim 7, HE discloses the authentication information is a username and/or password [HE, User ID and password, col 27 lines 23-38].

10. As per claim 9, HE discloses the access management information is encrypted [HE, encryption, col 9 line 63; col 22 lines 1-67, et seq].

11. As per claim 10, HE discloses the authentication information received from the networked peripheral device is encrypted [HE, encryption, col 9 line 63; col 22 lines 1-67, et seq].

12. Claims 11,12 contain the similar limitations as set forth in claim 1. Therefore, claims 11,12 are rejected for the same rationale set forth in claim 1.

13. As per claim 13, HE discloses the networked peripheral device is accessible by both the walk-up user and a remote user based on centralized access management information, said apparatus comprising means for performing the functions specified in any of claims 1 to 10 [see rejection claims 1-10].

14. As per claim 14, HE the networked peripheral device is accessible by both the walk-up user and a remote user based on centralized access management information, said computer-executable process steps comprising process steps executable to perform a method according to any of claims 1 to 10 [see rejection claims 1-10].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-16,4,8 are rejected under 35 U.S.C. § 103 as being unpatentable over HE et al [HE 6,088,451] in view of Pensak et al [Pensak 6,289,450 B1].

15. As per claim 15, HE discloses A server for use in controlling access to a networked peripheral device by a walk-up user, wherein the networked peripheral device is accessible by both the walk-up user and a remote user based on centralized access management information, the server comprising:

receiving a request for access policy information, the request including authentication information [HE, policy, col 6 lines 45-55;col 7 lines 25-32];

authenticating the user using the authentication information [HE, User authentication, col 8 line 35 et seq]; and

However HE does not explicitly detail transmitting access policy information for the user, in a case that authentication of the user is successful.

In the same endeavor, Pensak discloses a security system managing access for authorized users including transmitting the policy data to the user, col 7 lines 15-45]

Therefore, it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the technique of transmitting the policy information to the user computer in order to utilize the control access over network devices. Doing so would provide the authorized users maintain access control based on the policy information.

16. As per claim 16, HE-Pensak disclose the server retrieves authentication information for the user from a directory service [HE, database, col 8 lines 21-30].

17. As per claim 4, HE-Pensak disclose a user interface is devised by the networked peripheral device that is specific to the determined access level [Pensak, smart card, col 4 lines 1-8].

18. As per claim 8, HE-Pensak disclose the authentication information is entered by inserting a smart card at the networked peripheral device [Pensak, smart card, col 4 lines 1-8].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896. The fax number for the organization where this application or proceeding is assigned is 703-872-9306

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Patent Examiner
Art Unit 2142

A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath.